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10 UNITED STATES BANKRUPTCY COURT
11 DISTRICT OF OREGON

12 In re
13 Van's Aircraft, Inc.,
14 Debtor.
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Case No. 23-62260-dwh11

**DEBTOR'S UNOPPOSED MOTION
FOR EXPEDITED CONSIDERATION
OF DEBTOR'S AND WORLDPAY,
LLC'S JOINT MOTION FOR ORDER
APPROVING DEBTOR'S
ASSUMPTION OF EXECUTORY
CONTRACT (MERCHANT
PROCESSING AGREEMENT), AS SET
FORTH HEREIN**

***EXPEDITED CONSIDERATION
REQUESTED***

21 Van's Aircraft, Inc., debtor and debtor-in-possession ("Debtor") moves this Court for
22 expedited consideration of its Joint Motion for Order Approving Debtor's Assumption of
23 Executory Contract (Merchant Processing Agreement), as Set Forth Herein [ECF No. 135] (the
24 "Joint Motion"), and of this motion for expedited consideration ("Expedited Consideration
25 Motion"). In support of its request, Debtor states as follows:
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1. Debtor's counsel conferred by telephone and e-mail with Frank White, counsel for Worldpay, LLC; Mr. White does not oppose the relief sought herein.

2. The confirmation hearing in the above-captioned case is scheduled for May 15, 2024. Debtor's Plan of Reorganization Pursuant to Subchapter V Under Chapter 11 (March 29, 2024) [ECF No. 113] (the "Plan") at Section 9.1 provides:

To the extent not listed above, not on **Exhibit C**, or not otherwise subject to a prior Bankruptcy Court order or pending motion before the Bankruptcy Court, all other executory contracts and unexpired leases are rejected as of the Effective Date.

The Confirmation Order shall constitute an order authorizing rejection of all executory contracts and unexpired leases except those otherwise specifically assumed or otherwise provided for or subject to other Court Order or pending motion.

3. The Merchant Processing Agreement between Debtor and Worldpay, LLC (“Worldpay”) is not listed in the Plan, on Exhibit C, or otherwise subject to a prior Bankruptcy Court Order. As set forth in the Joint Motion, Debtor and Worldpay seek Court approval of Debtor’s assumption of the Merchant Processing Agreement and, in Debtor’s business judgment, the Merchant Processing Agreement should be assumed. In turn, and because the confirmation hearing is scheduled for May 15, 2024, good cause exists to grant the Expedited Consideration Motion.

4. For the reasons herein and the Joint Motion, Debtor requests that the Court enter an Order, a proposed form of which is attached as **Exhibit 1**, granting Debtor's Expedited Consideration Motion as soon as reasonably possible.

DATED: May 10, 2024.

TONKON TORP LLP

By /s/ Ava Schoen

Timothy J. Conway, OSB No. 851752
Michael W. Fletcher, OSB No. 010448
Ava Schoen, OSB No. 044072
Attorneys for Debtor

EXHIBIT 1

Proposed Form of Order

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re

Van's Aircraft, Inc.,

Debtor.

Case No. 23-62260-dwh11

**ORDER GRANTING DEBTOR'S
UNOPPOSED MOTION FOR
EXPEDITED CONSIDERATION OF
DEBTOR'S AND WORLDPAY, LLC'S
JOINT MOTION FOR ORDER
APPROVING DEBTOR'S
ASSUMPTION OF EXECUTORY
CONTRACT (MERCHANT
PROCESSING AGREEMENT), AS SET
FORTH HEREIN**

THIS MATTER having come before the Court upon Debtor's Unopposed Motion for Expedited Consideration of Debtor's and Worldpay, LLC's Joint Motion for Order Approving Debtor's Assumption of Executory Contract (Merchant Processing Agreement), as Set Forth Herein (the "Motion"), and the Court having reviewed the Motion and otherwise being duly advised in the premises; NOW, THEREFORE,

**Page 1 of 2 – ORDER GRANTING DEBTOR'S UNOPPOSED MOTION FOR EXPEDITED
CONSIDERATION OF JOINT MOTION FOR ORDER APPROVING DEBTOR'S
ASSUMPTION OF EXECUTORY CONTRACT (MERCHANT PROCESSING
AGREEMENT), AS SET FORTH HEREIN**

TONKON TORP LLP
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PORTLAND, OR 97204
503.221.1440

IT IS HEREBY ORDERED that Debtor's Motion for Expedited Consideration is GRANTED, and that the Court will consider Debtor's and Worldpay, LLC's Joint Motion for Order Approving Debtor's Assumption of Executory Contract (Merchant Processing Agreement), as Set Forth Herein [ECF No. 135] on an expedited basis on May 15, 2024 at 9:00 am.

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I certify that I have complied with the requirements of LBR 9021-1(a).

Presented by:

TONKON TORP LLP

By _____
Timothy J. Conway, OSB No. 851752
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **DEBTOR'S MOTION FOR EXPEDITED CONSIDERATION OF DEBTOR'S AND WORLDPAY, LLC'S JOINT MOTION FOR ORDER APPROVING DEBTOR'S ASSUMPTION OF EXECUTORY CONTRACT (MERCHANT PROCESSING AGREEMENT), AS SET FORTH HEREIN** was served on Debtor and the registered parties by electronic means through the Court's Case Management/Electronic Case File system on the date set forth below.

In addition, pursuant to LBR 7007-1(c)(2), I served the following parties by e-mail on the date set forth below:

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Flightline Interiors 368
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Alpine Fastener & Hardware
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Andair Ltd
andair@andair.co.uk

Garrett Shea Ledgerwood and R Gibson
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and Diane E. Van Grunsven

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14 Matco Aircraft Landing Systems LLC
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16 Patruska 344
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18
19 DATED: May 10, 2024.

20 TONKON TORP LLP

21 By /s/ Ava Schoen

22 Timothy J. Conway, OSB No. 851752
23 Michael W. Fletcher, OSB No. 010448
24 Ava Schoen, OSB No. 044072
25 Attorneys for Debtor

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Thomas W Stilley on behalf of Interested
Party Rian Johnson and Richard
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